



**PATRICK D. CROCKER**  
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March 2, 2009

Mr. John E. Giusti  
Acting Chief  
International Bureau  
445 12<sup>th</sup> Street S.W.  
Federal Communications Commission  
Washington, DC 20554

RE: Petition for Protection from Whipsawing and Stop Settlement  
Payment Order on U.S. Tonga Route (IB Docket No. 09-10)

Dear Mr. Giusti:

We are the attorneys for KDDI America, Inc. ("KDDI"). In response to your February 18, 2009 letter, we provide the following:

1. Please confirm whether KDDI America, Inc. provides or provided facilities-based IMTS service between the U.S. and Tonga in the calendar year 2008 and/or within this calendar year 2009.

Response: No.

2. Please indicate whether KDDI America, Inc. has or had in the calendar year 2008 and/or within this calendar year 2009 direct circuits to Tonga (i.e. wholly or jointly owned circuits between the United States and Tonga) and exchange IMTS traffic over such circuits with TCC, Digicel Tonga Ltd. (Digicel) or its affiliates, or any other carrier authorized to provide telecommunications service in Tonga. If so, please provide a copy of any operating agreement(s) for 2008 and/or 2009 for the exchange of traffic with Tonga into which you have entered with any of the aforementioned entities, including all rate and discount schedules or amendments.

Response: No.

3. If KDDI America, Inc. has or had direct circuits to Tonga, please indicate if and when those circuits were disrupted, and the circumstances under which the disruption occurred.

Response: No.



CROCKER & CROCKER, P.C.

ATTORNEYS AT LAW

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4. Please indicate whether KDDI America, Inc. currently provides or provided during the calendar year 2008 and/or calendar year 2009 IMTS service to or from Tonga through an alternative operating arrangement (e.g. through a third party or country). If so, please identify those carriers and countries, briefly describe those arrangements and specify the settlement rates (including any discounts) for the exchange of traffic with Tonga during 2008 and/or 2009. (Note: we are not at this time requesting copies of operating agreements associated with third party routing arrangements through another country).

Response: Yes. Pursuant to an international carrier service agreement entered into May 1, 2007, KDDI provided service to Tonga through an alternative operating arrangement with KT Corporation of Korea during the first quarter of 2008. The settlement rate was 0.7162 USD for the exchange of traffic under this agreement.

Please advise whether you require additional information from our client in order to bring this matter to conclusion.

Very truly yours,

CROCKER & CROCKER, P.C.

Patrick D. Crocker

PDC/tld

cc: Ms. Chiori Shiboaka  
Mr. James L. Ball

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